

DIAA Board of Directors' Meeting Minutes
August 9, 2007
Collette Building

I. Opening

A. Call to Order

The meeting was called to order at 9:05 a.m. by DIAA Chairperson Gerald Kobasa.

B. Roll Call

The following DIAA Board members were present: Gerald Kobasa, Gerald Allen, Phyllis Kohel, Kathleen Wilbur, Debbie Corrado, Joan Samonisky, Catherine Marvel, John Oliver, Sister Ann Michele, Dr. Michael Owens, Robert Reed, Dr. Jeffrey Hawtof, Woody Long, Michael Modica, Dr. George Stone. Kevin Charles Executive Director, and Paula Fontello, Deputy Attorney General, were also in attendance. Mike Wagner, Dianne Sole, and Dr. Garrett Lyons were unable to attend.

C. Approval of Agenda

Mr. Kobasa stated that the agenda needed to be amended by adding V. C. Milford High School Presentation. Ms. Corrado made a motion to approve the amended agenda. The motion was seconded by Mr. Allen and carried unanimously.

D. Approval of Minutes of the July 12, 2007 Board of Directors' Meeting

Ms. Wilbur made a motion to approve the minutes of the July 12, 2007 Board meeting. The motion was seconded by Mr. Reed and carried unanimously.

E. DIAA Financial Report

Mr. Charles commented that the income for this year was primarily from the annual Nike Contract, Officials Dues, and miscellaneous tournament income. Mr. Charles also commented on the expenses and stated that most of the expenses were primarily from the Catastrophic Insurance Policy, publications, and the Student Leadership Conference. Mr. Reed made a motion to approve the financial report. The motion was seconded by Ms. Samonisky and carried unanimously.

II. Public Comment

None.

III. Action Items

A. Request for waiver of 14 DE Admin Code 1009.2.7.1 by by Delcastle High School for B.B.

Mr. Jeff Hewes, athletic director at Delcastle High School, grandparents of the student, and student were in attendance to present this request. Ms. Fontello, the

Deputy Attorney General, explained to those present that there are 17 voting members of which only 14 members were present at this meeting that the law requires 10 affirmative votes to grant the waiver request. Those in attendance confirmed that they understood and wished to proceed and the waiver hearing continued. The student requested a closed hearing. Mr. Long made a motion to go into executive session under the exception of FIOA in order to protect the privacy of the student and the information in his pupil file as an exception of the Freedom of Information Act. The motion was seconded by Mr. Oliver and carried unanimously.

Ms. Marvel made a motion to go into deliberation. The motion was seconded by Dr. Hawtof and carried unanimously. Mr. Long made a motion to come out of deliberation. The motion was seconded by Ms. Marvel and carried unanimously. Mr. Long made a motion to go back to public session. The motion was seconded by Ms. Marvel and carried unanimously.

Dr. Hawtof made a motion to approve the waiver request based on testimony given that student was ineligible to play in his ninth grade year, he is still under the age of 19, and that he is academically eligible. The motion is for one year. The motion was seconded by Ms. Corrado and carried unanimously.

B. Request for Waiver of DIAA Regulation 1009.2.7.1 by Delcastle High School for B.H.

Jim Harris; father of Bryan Harris, Jeff Hewes; athletic director at Delcastle High School, Charles Hoard; soccer coach at Delcastle High School, and Bryan Harris were in attendance to present this request. Bryan Harris requested that the hearing be held in open session. Ms. Fontello, the Deputy Attorney General, explained to those present that there are 17 voting members of which only 14 members were present at this meeting that the law requires 10 affirmative votes to grant the waiver request. Those in attendance confirmed that they understood and wished to proceed and the waiver hearing continued.

Jim Harris explained to the board that he was requesting a waiver for a fifth year of eligibility based on the hardship caused by his undiagnosed learning disability and associated academic difficulties. Mr. Harris explained that after his son was diagnosed with ADD he was given an IEP and has had a remarkable turnaround in his grades. Mr. Harris commented that his son would have been eligible during his first 11th grade year but that the school made a mistake on his report card. Mr. Harris stated that his son took a summer school course to make up for his failed English class and that the school scheduled his son for the same 9th grade English class during his sophomore year but that by the time they discovered the mistake it was too late to change.

Mr. Hewes explained that Bryan was diagnosed with a learning disability in his first junior year and that he received an IEP and showed academic improvement. Coach Hoard commented that he has seen a positive change in Bryan since he was

diagnosed. Coach Hoard commented that soccer is the only sport that Bryan participates in and that it helps to make him a better member of the community.

Mr. Harris commented that Bryan did not show signs of a learning disability in middle school and that it started to struggle in his freshman year.

Mr. Hewes explained that in addition to DIAA's academic requirements, Delcastle requires a 1.5 min GPA and that Bryan had to be passing his shop class. Some of the Board members questioned whether Bryan would have been ineligible under the DIAA rules. Board members also questioned how Bryan was academically eligible during the 2006-07 school year. Mr. Hewes commented that Bryan did not participate in athletics that year. Mr. Harris commented that Bryan lost his eligibility because of the mistake the school had made with the English class. Members of the Board then asked for clarification on the hardship and commented that the waiver packet indicated that the hardship was based on the late diagnosis of ADD but that the testimony presented indicated that Bryan was ineligible because of Delcastle High School's error.

Ms. Kohel made a motion to go into deliberation. The motion was seconded by Mr. Allen and carried unanimously. Mr. Kobasa made a motion to come out of deliberation to take additional testimony. The motion was seconded by Dr. Hawtof and carried unanimously.

In response to a Board member's question Mr. Charles testified that according to DIAA regulations a waiver can not be granted if a student was eligible under DIAA passing work standards and was ineligible to participate under a more stringent locally adopted academic standard and where the school board has adopted its own waiver exemption policy.

Bryan commented that he was absent a lot from school due to his job. Bryan stated that he worked late and would come to school late and that three lates equal an absence and that he never made up his absences.

After some discussion the Board felt that Bryan would have been eligible under DIAA's regulations and that the loss of eligibility was caused by the schools mistake.

Mr. Kobasa made a motion to go back into deliberation. The motion was seconded by Ms. Samonisky and carried unanimously. Dr. Hawtof made a motion to come out of deliberation. The motion was seconded by Mr. Reed and carried unanimously.

In a response to a question from the Board, Mr. Hewes stated that he believed Bryan would have been ineligible under Delcastle's rules. Mr. Charles was cross-examined by the school.

Dr. Hawtof made a motion to go into deliberation. The motion was seconded by Mr. Oliver and carried unanimously. Dr. Hawtof made a motion to come out of deliberation. The motion was seconded by Mr. Allen and carried unanimously.

Ms. Kohel made a motion to deny the waiver request based on DIAA Regulation 1009.2.7.1.2.1 which states by DIAA Regulations Bryan was eligible for participation. Also that the Regulation states that DIAA does not have the right to overrule local districts rules. Ms. Kohel commented that the hardship of ADD is not the hardship that caused Bryan to lose the year of eligibility and that that was an error on the schools part. The motion was seconded by Mr. Allen and carried on a vote of 12 yes (Kobasa, Allen, Kohel, Wilbur, Corrado, Samonisky, Oliver, Sister Ann, Hawtof, Long, Modica, and Stone), 2 – no (Marvel, Reed).

The Board recessed at 11:25 a.m. and reconvened at 11:30 a.m.

V. Presentations

C. Milford School District

Bob Smith, superintendent of Milford School District and Glen Stevenson, athletic director at Milford High School, were in attendance to present this presentation. Mr. Smith explained to the Board that the Milford School District was opening a new school called the Central Academy which would start out with 7th – 9th grades and in the future would change to 9th – 10th. Mr. Smith commented that they were looking for guidance from DIAA about the students attending the Central Academy and where they could participate in athletics. Mr. Smith commented that it would take a few years to build this facility but wanted to bring this to the attention of the Board.

III. C. Approval of Travel to NIAAA for Tommie Neubauer

Mr. Neubauer explained to the Board that this was an annual request for the Coordinator of Officials to travel to the NIAAA Conference. Ms. Wilbur made a motion to approve this request. The motion was seconded by Mr. Reed and carried unanimously.

V. Presentations and Discussion

A. Crown Trophy

Mr. Charles explained that over the last few years he has been researching the cost of trophies and was interested in having a trophy made that represented Delaware in appearance. Mr. Charles commented that he was contacted by Crown Trophy. Jim Souter and Tom Souter were in attendance make a presentation. Mr. Souter gave a brief background of his business and stated that he has two stores in New Castle County. Mr. Souter also brought samples of his trophies. Mr. Charles commented on

how much is spent on trophies and medals throughout a school year. Mr. Kobasa suggested that Mr. Souter make a presentation to the athletic directors as well.

IV. Executive Director Report

A. 2006-07 Tournament Financial Report

Mr. Charles commented on a report he prepared which shows the profit and expenses for each sport. Mr. Charles stated that 2006-07 was a good year financially.

B. Report by Caesar Rodney High School

Mr. Charles explained that he received a letter that states that there was some illegal softball coaching going on. Mr. Charles stated that he did not initiate an investigation but did share the information with the athletic director at Caravel and Caesar Rodney. Mr. Charles stated that he received a letter from the athletic director at Caesar Rodney stating that after their investigation the coach was not in violation. Mr. Charles stated that after looking into this he concurred with their decision.

C. Volleyball Proposal Regarding Automatic Berth for Conferences

Mr. Charles commented on two proposals concerning automatic berths. Mr. Charles stated that the proposal was to place the automatic berth into the tournament. Mr. Charles commented that this proposal needs more discussion and was not willing to approve for this year. Ms. Corrado stated that she will be passing out a survey to the coaches for their input.

D. 2007-08 Catastrophic Health Insurance

Mr. Charles commented that he was just including a copy of the insurance policy for the Boards review. Mr. Charles stated that he is still waiting on a response from the State Insurance Office to see if they will be picking up the Liability part of this policy as they do for other state functions.

VI. Other

VII. Public Comment

None

VIII. Adjournment

Ms. Kohel made a motion to adjourn at 12:25 p.m. The motion was seconded by Mr. Allen and carried unanimously.

Tina Hurley